

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: Case No. 4:13 CR 391 JAR
)	
WALTER COMBS,)	
)	
Defendant.)	

DEFENDANT'S MOTION TO SUPPRESS STATEMENTS

COMES NOW Defendant Walter Combs, by and through counsel, and moves this Court to suppress all alleged statements, oral, written, videotaped or otherwise recorded, he allegedly made on May 20, 2014, which the Government intends to use in evidence against the Defendant. In support of his motion, Defendant states the following.

FACTUAL BACKGROUND

The Defendant has been detained on the instant offense since September of 2013. From the time of his arrest until approximately May 20, 2014, he was held in the Jennings City Jail along with co-defendants Nailor and Rice. On May 20, the three co-defendants were allegedly fighting each other. The Government has produced a report indicating that after the alleged fight, Defendant Combs made an inculpatory statement to a known law enforcement officer while he was in custody. The report does not suggest that Mr. Combs was advised of his Miranda rights prior to the questioning. Mr. Combs has been represented by counsel since he was formally charged with the instant offense. The Defendant was questioned without counsel being present during the post-indictment interrogation.

GROUND FOR SUPPRESSION

In support of his motion, Defendant states:

A. Any such statements were made without the Defendant first being advised of his constitutional rights, to-wit:

1. Defendant was not advised in clear and unequivocal terms of his right to remain silent prior to his interrogation.

2. Defendant was not advised of his right to consult with a lawyer and to have a lawyer present with him during his interrogation.

3. Defendant was not advised that a lawyer would be appointed for him if he was indigent.

4. Defendant did not waive his right to remain silent, or his right to counsel, or his right to have counsel appointed to him.

B. The Defendant was questioned by law enforcement officer after indictment without the presence of his attorney.

All of the matters herein mentioned were in violation of the constitutional rights of the Defendant under the Fifth and Sixth Amendments and the Due Process Clause of the Fourteenth Amendment of the United States Constitution, Miranda v. Arizona, 384 U.S. 436 (1966) and Massiah v. United States, 337 U.S. 52 (1961).

Defendant requests leave to supplement this motion and to file a Memorandum in Support once additional information is obtained.

WHEREFORE, Defendant Walter Combs respectfully requests this Court to enter its Order suppressing any evidence, including but not limited to, the Defendant's alleged custodial

statements made after the fight on May 20, 2014, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

THE WELBY LAW FIRM, LLC

/S/ Stephen R. Welby

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2014, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon and all counsel of record.

/S/ Stephen R. Welby